

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rule making related to weighting for English language learners

The State Board of Education hereby amends Chapter 60, “Programs for Students of Limited English Proficiency,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2013 Iowa Acts, Senate File 452, and 2014 Iowa Acts, Senate File 2347.

Purpose and Summary

The above-referenced Senate Files made changes in supplementary weighting for students who are English language learners. This rule making conforms to those Senate Files.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 24, 2021, as **ARC 5464C**. A public hearing was held on March 16, 2021, at 8 a.m. in Room B100, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the State Board on May 6, 2021.

Fiscal Impact

This rule making has no present fiscal impact to the State of Iowa, the legislation having already taken effect.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

This rule making, being required by statute, is not subject to waiver.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on July 7, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 60.6(1) as follows:

60.6(1) *Weighting.* A weighting is included in the weighted enrollment of the school district of residence for a period not exceeding ~~four~~ five years to provide funds for the excess costs of instruction of limited English proficient students above the costs of instruction of pupils in a regular curriculum.

a. A student may be included for weighting if the student meets the definition of a limited English proficient student and the student is being provided instruction related to limited English proficiency above the level of instruction provided to pupils in the regular curriculum.

b. A student may be included for weighting up to ~~four consecutive~~ five years, which need not be consecutive.

c. ~~If a student was present on the date specified in Iowa Code section 257.6 for counting students in one year, moved out of the district or dropped out of school, but returned to the same district by the date specified for counting students in the subsequent year, the student is considered to be served in consecutive years without regard to the break in instruction from the district~~ A student's eligibility for additional weighting is transferable to another district of residence.

~~d. If a student was present on the date specified in Iowa Code section 257.6 for counting students in one year, moved out of the district or dropped out of school, and did not return to the same district by the date specified for counting students in the subsequent year, but did return to the same district in a later year, the student is considered to be a new student eligible to begin in year one if the student meets the requirements in paragraph "a."~~

ITEM 2. Amend subrule 60.6(2) as follows:

60.6(2) *Modified allowable growth Supplemental aid or modified supplemental amount.* In addition to weighting, the school budget review committee (SBRC) may grant supplemental aid or a modified allowable growth supplemental amount for an unusual need to continue funding beyond the ~~four~~ five years of weighting or for costs in excess of the weighting to provide instruction to limited English proficient students above the costs of regular instruction.

a. A school district of residence may apply to the SBRC by the date specified in rule 289—6.3(257) for supplemental aid or a modified allowable growth to the SBRC supplemental amount for an unusual need for funding beyond the amount generated from weighting for students identified as limited English proficient who are provided instruction beyond the regular instruction. The eligible supplemental aid or modified allowable growth supplemental amount will be calculated as the total actual budgeted limited English proficient program (more commonly referred to as "English language learner program") expenditures for the current previous year, reduced by the limited English proficient funding generated in the current previous budget year based on the limited English proficient count on the certified enrollment in the previous year, and reduced by any other grants, carryover, or other resources provided to the district for this program.

b. ~~In order to~~ A district of residence may apply to the SBRC for supplemental aid or a modified allowable growth under this subrule, the district must complete and submit the application form supplemental amount for an unusual need to continue funding beyond the five years of weighting no later than January 15 December 1 following the date specified in Iowa Code section 257.6(1) for the certified enrollment. The supplemental aid or modified supplemental amount will be calculated by multiplying the number of resident students identified as limited English proficient who are provided instruction beyond the regular instruction, and who are being served beyond the five years of weighting on the certified enrollment, by the weighting provided under subrule 60.6(1), multiplied by the district cost per pupil in the current year.

c. ~~The SBRC will act on these the requests during~~ described in paragraphs 60.6(2) "a" and "b" no later than its March regular meeting. If the SBRC grants the district's request for supplemental aid or a modified allowable growth supplemental amount, the department of management will increase the district's budget authority by that amount.

~~e.~~ The SBRC may require the district to appear at a hearing to discuss its request for supplemental aid or a modified allowable growth supplemental amount.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/2/21.